

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Matthew Prow,

Case No. 15-cv-3857 (PAM/SER)

Plaintiff,

v.

ORDER

Tom Roy, John King,
Sandra O'Hara, Steve Hammer,
Mary McComb, Carol Kripner,
Regina Stepney, Lieutenant Lindell,
and Sergeant Hillyard,

Defendants.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Steven E. Rau dated December 9, 2016. In the R&R, Magistrate Judge Rau recommends denying Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction. After a delay in receiving a copy of the R&R, Plaintiff filed a timely objection. According to statute, the Court must conduct a de novo review of any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). Based on that de novo review, the Court adopts the R&R.

Plaintiff’s only objection to the R&R is that he be allowed a one-time purchase of prohibited art supplies “for the purpose of preparing his case for the Court.” (Pl.’s Obj. (Docket No. 141) at 2.) According to Plaintiff, the one-time purchase does not concern free expression as Magistrate Judge Rau analyzed, but rather it concerns his access to the Court because he would use the purchased supplies to produce trial exhibits. (Id.) But

the Court can determine whether Plaintiff's rights have been violated without these exhibits. His access to the Court will remain adequate, effective, and meaningful without such exhibits. Moreover, as Magistrate Judge Rau explained, "it would be inappropriate for the Court to stand in the shoes of the prison administrators and overturn particular hobby craft determinations on a case-by-case basis because that would unnecessarily infringe on the deference and discretion the government is afforded in the administration of the day-to-day operation of prison facilities." (R&R (Docket No. 105) at 6.)

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R (Docket No. 105) is **ADOPTED**; and
2. Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (Docket No. 43) is **DENIED**.

Dated: March 6, 2017

s/Paul A. Magnuson

Paul A. Magnuson
United States District Court Judge